

Practitioner's Docket No. 2003IT301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Giorgio BERTOLINI

Examiner:

Application No.:

Group No.:

Filed: 09/24/2005

For: PROCESS AND INTERMEDIATES FOR PREPARING EMTRICITABINE

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

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Dear Sir:

In accordance with the duty of disclosure provisions of 37 CFR §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith).

1. ☒ Enclosures accompanying this Information Disclosure Statement are:
  - 1a. ☒ Form PTO-1449 (PTO/SB/08a and/or PTO/SB/08b).
  - 1b. ☒ Copies of Information Disclosure Statement citations.
  - 1c. ☒ PCT or EP Search Report .PCT/IB2004/000924 Search Rpt, Mailed 07/01/2004
  - 1d. ☐ Copies of Co-pending U.S. Applications.
2. ☒ This Information Disclosure Statement is filed under 37 CFR §1.97(b) with the filing of the U.S. patent application. Accordingly, no fee or §1.97(e) Statement is required.
3. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(b) before the latter of three months after the U.S. patent application filing date or the first Office Action on the merits. Accordingly, no fee or §1.97(e) Statement is required.
4. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance. The \$180.00 fee set forth in 37 CFR §1.17(p) in accordance with 37 CFR §1.97(c) is to be charged to Deposit Account No. 03-2060.
5. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(e) in that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. Accordingly, no fee is required.
6. ☐ This Information Disclosure Statement is filed in conjunction with a Request For Continued Examination. Accordingly, no fee or §1.97(e) Statement is required.
7. ☐ The English language documents identified by reference in the TRANSLATION Section of the foreign patents list of the attached 1449 Form are believed to be a concise statement, or the equivalent or substantial equivalent to the foreign language documents cited in the attached 1449 Form.
8. ☐ In addition to the documents cited, the Office's attention is directed to the following co-pending U.S. Application Serial Number(s), copies of which are attached for the convenience of the Office:

Respectfully submitted,



Richard P. Silverman, Registration No. 36,277

CUSTOMER NO. 25,255

Clariant Corporation, Industrial Property Department, 4000 Monroe Road, Charlotte, North Carolina 28205  
Telephone: 704/331-7156, Facsimile: 704/331-7707

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

### Complete if Known

Application Number	
Filing Date	09/24/2005
First Named Inventor	Giorgio BERTOLINI
Art Unit	
Examiner Name	
Attorney Docket Number	2003IT301

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US- 5,204,466	04/20/1993	LIOTTA	
	AB	US- 5,696,254	12/09/1997	MANSOUR	
	AC	US- 6,051,709	04/18/2000	GOODYEAR	
	AD	US- 5,538,975	07/23/1996	Dionne	
	AE	US- 6,329,522	12/11/2001	Hill	
	AF	US- 5,852,027	12/22/1998	Liotta	
	AG	US- 5,892,025	04/06/1999	Liotta	
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			
	AM	US-			
	AN	US-			
	AO	US-			
	AP	US-			
	AQ	US-			
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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				
	BA	EP 0515157	11/25/1992	Biochem Pharma		<input type="checkbox"/>
	BB					<input type="checkbox"/>
	BC					<input type="checkbox"/>
	BD					<input type="checkbox"/>
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number

Filing Date

09/24/2005

First Named Inventor

Giorgio BERTOLINI

Art Unit

Examiner Name

Attorney Docket Number

2003IT301

Sheet 2

of

2

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	CHU, CK; et al., "Synthesis and Antiviral Activity of Oxaselenolane Nucleosides", J. Med. Chem., 2000, pp 3906-3912, Vol. 43	<input type="checkbox"/>
	CB	Jeong, LS; et al., "Asymmetric Synthesis and Biological Evaluation of Beta-L-(2R,5S)- and Alpha-L-(2,R,5R-1,3-Oxathiolane-Pyrimidine...", J. Med Chem., 1993, pp181-195, V36, N2	<input type="checkbox"/>
	CC		<input type="checkbox"/>
	CD		<input type="checkbox"/>
	CE		<input type="checkbox"/>
	CF		<input type="checkbox"/>
	CG		<input type="checkbox"/>
	CH		<input type="checkbox"/>
	CI		<input type="checkbox"/>
	CJ		<input type="checkbox"/>

Examiner Signature

Date

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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